

1 HONORABLE THOMAS S. ZILLY  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 R.B., individually,

9 Plaintiff,

10 vs.

11 Joel Longares, Sr., in his individual capacity; as  
12 the Owner and Chairman of Atlas Shippers  
13 International, Inc., a California Corporation  
14 with Washington affiliates; and as CEO of Atlas  
Express Padala, Inc., a California Corporation  
with Washington affiliates

15 Defendants.

16 Case No: 2:23-cv-00938-TSZ

17 **JOINT STATUS REPORT**

18 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and the Court's Order  
19 Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. 9), Plaintiff R.B.  
20 and Defendants Joel Longares, Sr., Atlas Shippers International, Inc. and Atlas Express Padala,  
21 Inc., submit the following Joint Status Report ("Report"). The Parties held a telephone conference  
pursuant to FRCP 26(f) on August 11, 2023. During that conference, the Parties discussed:

22 **1. A statement of the nature and complexity of the case**

23 The case is a single plaintiff employment dispute. Defendants assert that Plaintiff's claims  
24 are subject to arbitration. Plaintiff and many of the likely witnesses are native Tagalog speakers

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GORDON REES SCULLY  
MANSUKHANI, LLP  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: (206) 695-5115  
Facsimile: (206) 689-2822

1 who speak English as a second language. Accordingly, the case could be complicated because the  
2 parties will need to translate documents and retain interpreters for hearings, depositions, and trial.

3

4 **2. A proposed deadline for the joining of additional parties.**

5 At this time, the Parties do not believe there are any additional parties that will need to be  
6 joined. As discussed in detail below, counsel for Plaintiff will be starting a significant criminal  
7 trial on September 18, 2023, which may last for several weeks. Accordingly, the Parties propose a  
8 deadline of October 23, 2023 for the joining of additional parties.

9

10 **3. Proposed discovery plan**

11       A. Initial disclosures

12 Due to plaintiff's counsel's pending trial, the parties agree to exchange initial disclosures  
13 by October 23, 2023.

14

15       B. Subjects, timing, and potential phasing of discovery

16 The parties expect that the subjects of discovery will include the allegations in the  
17 Complaint and may include Plaintiff's alleged relationship with Defendant Longares, the parties  
18 relationships with other individuals, and other related issues.

19 Discovery should conclude 130 days before trial.

20

21       C. Electronically stored information

22 Electronically stored information is likely to include: emails, text messages, other  
23 electronic communications, computers, cellphones, and other mobile electronics. Collection of this  
24 information may be difficult because plaintiff's cellphone may have been collected by law  
25 enforcement.

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2       D. Privilege issues

3           The parties do not expect there to be unique or extensive claims of privilege or work  
4 product protection are contemplated at this time. The Parties continue to discuss whether  
5 submission of an order pursuant to Fed. R. Evid. 502(d) is necessary and appropriate.

6  
7       E. Proposed limitations on discovery

8           Depositions

9           The parties believe that the default of 10 seven-hour depositions set by Fed. R. Civ. P. 30  
10 will be sufficient for this case and reserve the right to seek additional deposition time on good  
11 cause.

12  
13           Interrogatories

14           The Parties propose that the default of 25 interrogatories set forth in Fed. R. Civ. P. 33 will  
15 be sufficient for this case and reserve the right to seek propound additional interrogatories on good  
16 cause.

17  
18       F. The need for any discovery related orders

19           The parties do not presently anticipate the need for discovery-related orders, but reserve  
20 their right to seek discovery related orders if necessary in the future.

1     4. **The parties' views, proposals, and agreements, by corresponding paragraph letters**  
2       **(A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1)**

3           A. **Prompt case resolution**

4       The Parties will endeavor to be efficient in taking discovery and preparing this matter for  
5 trial, and wherever possible, promote the prompt resolution including ongoing discussions of  
6 possible settlement as the case develops.

7           B. **Alternative dispute resolution**

8       The parties are open to alternative dispute resolution and are pursuing possible mediation  
9 to resolve this case. In addition, Defendants assert that Plaintiff's claims are subject to arbitration  
10 and will seek to enter into arbitration by stipulation. Defendants intend to bring a motion to compel  
11 arbitration if the parties cannot reach agreement on this issue.

12           C. **Related cases**

13       The Parties are not aware of any related cases pending in this or other jurisdictions.

14           D. **Discovery management**

15       The Parties agree to cooperate in good faith during discovery, to use best efforts to comply  
16 with discovery requests, and to act reasonably in propounding discovery.

17           E. **Anticipated discovery sought**

18       See Section 4(B).

1           F.     Phasing of motions

2           Defendants assert that Plaintiff's claims are subject to arbitration. If the parties cannot  
3 agree to stipulate to submitting this matter to arbitration, they will file a motion to compel  
4 arbitration before the end of September 2023 and will agree to a briefing schedule that is  
5 compatible with Plaintiff's Counsel's September 2023 trial.

6

7           G.     Preservation of discoverable information

8           The Parties will comply with the rules of discovery with regard to preservation of  
9 discoverable information, including Fed. R. Civ. P. 37(e), and do not know of any failures to  
10 preserve relevant evidence at this time. The Parties reserve their right to seek sanctions or other  
11 relief if a failure to preserve is discovered at a later time.

12

13          H.     Privilege issues

14          See Section 4(D), above.

15

16          I.     Model Protocol for Discovery of ESI

17          The parties continue to discuss ESI and anticipate agreeing to submit a Protocol for  
18 Discovery of ESI based on the Model Protocol for Discovery of ESI as described in greater detail  
19 in Section 4(C), above. The parties will revisit whether there is a need to submit this protocol after  
20 resolving the issue of arbitration.

21

22          J.     Alternatives to Model Protocol

23          The Parties' discussions of ESI are addressing the topics set forth in LCR 26(f)(1)(J), and  
24 currently anticipate submit a Protocol for Discovery of ESI based on the Model Protocol for  
25 Discovery of ESI.

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Facsimile: (206) 689-2822

1  
2     **5. The date by which discovery can be completed**

3                 April 24, 2024.

4  
5     **6. Whether the case should be bifurcated by trying the liability issues before the**  
6                 **damages issues, or bifurcated in any other way**

7                 The parties agree that the case should not be bifurcated.

8  
9     **7. Whether the pretrial statements and pretrial order called for by Local Civil Rules**  
10                 **16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the**  
11                 **sake of economy.**

12                 The Parties agree that the pretrial statements and pretrial order should not be dispensed  
13 with.

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15     **8. Any other suggestions for shortening or simplifying the case.**

16                 At this time, the Parties have no other suggestions for shortening or simplifying the case.

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18     **9. The date the case will be ready for trial. The Court expects that most civil cases will**  
19                 **be ready for trial within a year after filing the Joint Status Report and Discovery**  
20                 **Plan.**

21                 The parties tentatively believe that this case will be ready for trial in January 2025.

22  
23     **10. Whether the trial will be jury or non-jury.**

24                 Jury.

1     **11. The number of trial days required.**

2         The parties believe that 6 trial days will be required.  
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4

5     **12. The names, addresses, and telephone numbers of all trial counsel.**

6         For Plaintiff

7             Casey Arbenz  
8             Puget Law Group  
9             938 Broadway  
10            Tacoma, WA 98402  
11            253.627.4696

12         For Defendants

13             Sarah Turner  
14             Gordon Rees Scully Mansukhani  
15             701 Fifth Avenue, Suite 2100  
16             Seattle, WA 98104  
17             206-695-5115

18             Daniel Culicover  
19             Gordon Rees Scully Mansukhani  
20             701 Fifth Avenue, Suite 2100  
21             Seattle, WA 98104  
22             206-695-5154

23     **13. The dates on which the trial counsel may have complications to be considered in**  
24         **setting a trial date.**

25         Plaintiff's counsel unavailable: September 18, 2023,

26         Defendants' counsel unavailable: May 20, 2024, early-January 2025 (date TBD by Judge  
27            Martinez in different case).  
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1     14. If, on the due date of the Report, all defendant(s) or respondents(s) have not been  
2         served, counsel for the plaintiff shall advise the Court when service will be effected,  
3         why it was not made earlier, and shall provide a proposed schedule for the required  
4         FRCP 26(f) conference and FRCP 26(a) initial disclosures.

5             Service on Defendants has been effected.

6

7     15. Whether any party wishes a scheduling conference before the Court enters a  
8         scheduling order in the case.

9             The parties are requesting a scheduling conference.

10

11     16. List the date(s) that each and every non-governmental corporate party filed its  
12         disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

13             Defendants filed their corporate disclosure statements pursuant to Fed. R. Civ. P. 7.1 on  
14     June 30, 2023.

15

16     Dated: August 28, 2023

17

18     PUGET LAW GROUP

19     By: /s/ Casey M. Arbenz  
20         Casey M. Arbenz, WSBA #40581  
21         938 Broadway  
22         Tacoma, WA 98402  
23         Phone: (253) 627-4696  
24         Email: [casey@pugetlawgroup.com](mailto:casey@pugetlawgroup.com)

25

26         *Attorney for Plaintiff*

27

28     GORDON REES SCULLY MANSUKHANI,  
29         LLP

30     By: /s/ Daniel O. Culicover  
31         Sarah N. Turner WSBA# 37748  
32         Daniel O. Culicover WSBA #55085  
33         701 Fifth Avenue, Suite 2100  
34         Seattle, WA 98104  
35         Phone: (206) 695-5115  
36         Email: [sturner@grsm.com](mailto:sturner@grsm.com)  
37             [dculicover@grsm.com](mailto:dculicover@grsm.com)  
38         *Attorneys for Defendants Joel*  
39         *Longares, Sr., individually, Atlas*  
40         *Shippers International, Inc., and Atlas*  
41         *Express Padala, Inc.*

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46     GORDON REES SCULLY  
47         MANSUKHANI, LLP  
48         701 5th Avenue, Suite 2100  
49         Seattle, WA 98104  
50         Telephone: (206) 695-5115  
51         Facsimile: (206) 689-2822